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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,948	09/20/2005	Michael John Watchorn	TEBL4	6001
6980 7590 06/20/2008 TROUTMAN SANDERS LLP 600 PEACHTREE STREET, NE ATLANTA, GA 30308				
EXAMINER SINGH, SUNIL				
ART UNIT 3672		PAPER NUMBER		
MAIL DATE 06/20/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,948

**Applicant(s)**

WATCHORN, MICHAEL JOHN

**Examiner**

Sunil Singh

**Art Unit**

3672

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 17-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the upper surface member comprises a single sheet of flexible buoyant or semi-buoyant sections, at least one pump, drogue anchors must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-18,20-25, 27-28,29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faber (US 6745714) in view of Moody (US 5860379).

Faber discloses a deployable apparatus: the apparatus having a length dimension and a width dimension, the length dimension being greater than the width dimension and the apparatus being configured so that, in use, the length dimension is generally parallel to the predominant wave direction, the apparatus comprising: at least one a buoyant or semi-buoyant upper surface member having an upper surface (top members in Figure 1) and a lower surface and being disposed in use at or near the water surface; and an array of shaped drag inducing elements (bottom members depicted in Figs. 1,2) disposed adjacent the lower surface. The upper surface member comprises a plurality of flexibly linked buoyant or semi-buoyant sections (see col. 2 lines 20-25). A plurality of flexible fluid retaining structures disposed thereon (42,26,30, see Figs. 1). The flexible fluid retaining structures comprise a network grid of pipes or tubes. The fluid is maintained in the flexible structures under pressure (46,see col. 2 line 50+). At least one pump (46) for supplying fluid to said flexible fluid retaining structures. Leading inclined end (see Fig. 5).

Faber discloses the invention substantially as claimed. However, Faber is silent about the elements being collapsible or compressible. Moody teaches elements being collapsible or compressible (6a,b,10a,b,12a,b see Figs. 1a,b,2). It would have been considered obvious to one of ordinary skill in the art to modify Faber to include elements that are collapsible or compressible as taught by Moody in order to enhance storage.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faber in view of Moody as applied to claim 17 above, and further in view of Japanese '2317.

Faber (once modified) discloses the invention substantially as claimed. However, the (once modified) Faber is silent about including a single sheet of flexible buoyant or semi-buoyant material. Japanese document '2317 teaches a single sheet of flexible buoyant or semi-buoyant material (1). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Faber by substituting the upper surface as taught by Japanese document for the upper surface as disclosed by Faber since a simple substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faber in view of Moody as applied to claim 17 above, and further in view of Hochschild, III (US 6592416).

Faber (once modified) discloses the invention substantially as claimed. However, the (once modified) Faber is silent about including a flexible drogue. Hochschild III teaches a flexible drogue(20). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Faber by substituting the drogue as taught

by Hochschild, II for drag element as disclosed by Faber since a simple substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art.

6. Claims 31,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manuel (US 3608316) in view of Faber and Moody.

Manuel discloses a system for deploying and recovering an apparatus comprising a deployment vessel, a storage device on the vessel for the apparatus and means for paying out and recovering the apparatus (see Fig. 8). Manuel discloses the invention substantially as claimed. However, Manuel is silent about deploying and recovering an apparatus as called for in claim 17. Faber (as modified) by Moody teaches the apparatus as called for in claim 17 (see discussion above). It would have been considered obvious to one ordinary skill in the art to modify Manuel by substituting the apparatus as taught by Faber (as modified by Moody) for the apparatus disclosed by Manuel since such a modification provides a boat lift away from shore.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 17, 29, 31 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/  
Primary Examiner, Art Unit 3672

Sunil Singh  
Primary Examiner  
Art Unit 3672

SS

6/14/08